

Staff Report

Story County Planning and Zoning Commission

Date of Meeting:
May 3, 2017

Case Number CUP03-17

Iowa Statewide Interoperable Communications System (ISICS) Tower
- Conditional Use Permit

Case Number VAR02-17 - Withdrawn

The request for a variance to the right-of-way setback has been withdrawn. The applicant has submitted a new site plan that meets all setback requirements in the Story County Land Development Regulations.

APPLICANT: Joe Coyle, Pyramid Network Services, LLC

444 E. 74th Terrace, Kansas City, MO 64131

On behalf of the Iowa Statewide Interoperable Communications System (ISICS) Board and the State of Iowa Communications Network

STAFF PROJECT MANAGER: Emily Zandt, Planner

SUMMARY: This request is for a conditional use permit to allow the construction of a new 395' lattice tower for the Iowa Statewide Interoperable Communication System (ISICS), which will give first responders the ability to communicate with each other on one single band in order to efficiently mobilize during times of emergency or disaster. The Story County Planning and Zoning Commission remanded the application at the April 5, 2017 meeting. The applicant submitted a revised site plan that meets all setback requirements. The previous variance request has been withdrawn. Staff recommends the Planning and Zoning Commission recommend approval of the conditional use permit.





Property Information

PROPERTY OWNER

State of Iowa Department of Transportation (IDOT)

GENERAL PROPERTY LOCATION

Section: 08 Township: 83 Range: 23, in unincorporated Story County
57073 US Highway 30, Ames, Iowa

PARCEL IDENTIFICATION NUMBER(S)

10-08-300-305

CURRENT ZONING

A-1 Agricultural

CURRENT LAND USE

The proposed site of the ISICS tower is an existing Iowa Department of Transportation (IDOT) maintenance and storage facility site. This is a 19.43 net acre site located on the north side of the US Highway 30 Frontage Road, east of the Interstate 35 and US Highway 30 interchange. The property is surrounded on the north and east sides by land in agricultural row crops and is adjacent neighbors to two churches to the west. The IDOT will retain ownership of the proposed tower site and there will not be a lease agreement as it is a state owned property.

The IDOT uses this property for truck maintenance, equipment storage, and office space. There is an existing 180' communications tower located in the center of the property, approximately 290' from the north side of the frontage road that is used for IDOT internal communication. This tower meets Story County's Land Development requirements and will be removed once the proposed ISICS tower is completed and equipment has been moved to the new tower. The existing tower has a small (10' x 14') equipment building located in the northeast corner of the base. This will be removed with the existing tower.

LAND USE FRAMEWORK MAP DESIGNATION

Ames Urban Fringe Plan: Rural Urban Transition Area – Agricultural/Long-term Industrial Reserve

CITIES WITHIN TWO MILES

City of Ames

Background

The request is for a Conditional Use Permit to allow the construction of a 395-foot tall, galvanized steel, lattice type tower. Pyramid Network Services, LC is working on behalf of Motorola, the company contracting with the State of Iowa to design and establish the Iowa State Interoperable Communication System (ISICS). This is a federally mandated statewide project to upgrade the State of Iowa's Emergency Management System, improving the communications network to cover at least 95% of the population in



the state. The improved system will give first responders the ability to communicate with each other on one single band in order to efficiently mobilize during times of emergency or disaster. More information and a map of the tower sites statewide can be found in the attached supplemental materials.

The proposed communications system includes 84 towers to be installed statewide. All 84 towers will be sited on state owned property, such as property owned by the Iowa Department of Transportation (DOT), Iowa Department of Corrections (DOC), or the Iowa Department of Natural Resources (DNR). This IDOT property was chosen in Story County because of its proximity to the City of Ames and the ability for connection via microwave transmissions with the Mitchellville site to the southeast and the Woodward site to the southwest. See search ring maps for area considered for proposed tower. There will be no formal lease agreement to locate the tower on the IDOT property because it is state-owned.

The original proposed location for the tower was immediately to the east of the existing tower approximately 317 feet north of the right-of-way line. This location did not meet the setback requirements as listed in the Story County Land Development Regulations. The new proposed location of the proposed 395' lattice tower is in the northeast portion of the IDOT property approximately 219' from the east property line, 285' from the north property line, and 894' from the south property line. The proposed tower location will be approximately 125' east of the northern most building on the IDOT site. This site was chosen based on setback requirements in the Story County Land Development Regulations. Additionally, this site is set back from a majority of onsite traffic. It appears as though two small trees will need to be removed for the construction of the tower. These should be replanted near the base of the tower once it is completed. All setback requirements will be met.

The Annual Average Daily traffic counts for US Highway 30 as presented by the IDOT increased approximately 12% between 2007 and 2015 from 12,800 vehicle trips to 16,600 vehicle trips, respectively. Following this trend, the estimated 2019 Annual Average Daily Traffic Counts will likely be approximately 18,700 vehicle trips.

A representative from Pyramid Network Services, LLC first contacted the Story County Planning and Development Department on May 11, 2016 to discuss the project and learn about the county's requirements.

The Planning and Zoning Commission remanded the item back to the applicant for changes to the site plan to meet the setback requirements for communication towers.

The following items were submitted by the applicant: a revised site plan, a project narrative, description of overall statewide project, property owner consent, site context map, site plan, legal descriptions, separation distances between residential parcels and other towers, tower engineering specifications, zero fall zone letter, copy of the FAA permit application and determination, City of Ames Municipal Airport statement of no issues, Environmental and Historical reviews, and a statement on the co-location potential of the proposed tower and search ring information.

Conditional Use Permit Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval



The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: *The proposed tower is situated on a large 18.5 acre parcel, set back near the rear of the property. The parcel has been used by IDOT as a maintenance and storage yard since the 1960's. The IDOT property is abutted on two sides with large acreages of farmland. To the South, the tower is set back approximately 900' from right-of-way with more farmland and commercially zoned properties to the South including a 120' monopole tower. The proposed tower will not interfere with any future development and use of adjacent property. Compared to other structures that have been approved in the County such as wind turbines, or even large water tanks, the lattice tower that can both be seen through and has no motion, can be considered less obtrusive.*

Staff Comment: Communication towers and facilities are permitted as a conditional use in the A-1, Agricultural Zoning District, if a conditional use permit is granted. The closest residence is approximately 1/3 of a mile to the east of the IDOT property. The remainder of the IDOT property will continue to be used as it is currently. The IDOT property is designated as Agricultural/Long-term Industrial reserve on the Ames Urban Fringe Plan (AUFPP) Land Use Framework Map. There are currently no plans for the IDOT to construct additional buildings on this site. Given the location of the property near to I-35 and US Highway 30 and the potential for future growth and change, and given the proximity of the existing populated uses and heavy volume of motorists on adjacent and nearby roads, towers are not uncharacteristic for the area. In 2014, Pyramid Network Services submitted an application for a Conditional Use Permit for a 160-foot monopole, which is currently located south and east of the proposed tower site on the south side of US Highway 30. This monopole tower meets Story County Land Development Requirements. The proposed location will meet all setbacks required by Story County Land Development regulations. While the tower will be visible from Highway 30 and the frontage road, it will likely be much less noticeable at the new location due to the increased setback from the right-of-way.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: *The existing buildings on the site, as well as the existing trees help to buffer the tower site from adjacent properties.*

Staff Comment: The IDOT site contains buildings to the west and south of the proposed tower site. There are trees on to the east and north of the proposed tower site, as well as north of the frontage road to the south. Per the supplemental standards, the applicant will be constructing an eight-foot (8) tall mesh fence around the tower compound. No additional landscaping will be



necessary. The newly proposed location for the tower is further buffered from the right-of-way than the originally proposed tower location because of the location of the existing buildings.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: *Access is off of the frontage road that runs parallel to Highway 30, Sandy Hill Trail, and there is a paved drive that leads directly to the tower for ease of access in case of emergency. The site is not staffed and preventive maintenance approximately once per month will not materially increase traffic to the IDOT property.*

Staff Comment: The IDOT currently uses the existing access off of the Highway 30 frontage road for large trucks and other equipment. It is likely that only IDOT employees and tower maintenance workers will visit this site. Traffic to the tower will be limited to upkeep and maintenance and will not be staffed. No new access points will be created.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: *There is a large parking lot on site to accommodate construction activities and maintenance visits.*

Staff Comment: All parking of construction equipment and materials will be located within the IDOT property in the existing parking area. Maintenance vehicles will be parked within the private property, out of the right-of-way.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: *The only additional lighting will be two red lights on the tower; FAA is not requiring a strobing light. Signage on site will be limited to FCC requirements.*

Staff Comment: Planning and Development staff will require lighting specifications, which must meet county and FAA requirements, prior to the issuance of the preliminary zoning permit. The applicant needs to refile the FAA application with the newly proposed tower location. The preliminary development permit will not be issued until the new Determination of No Hazard Letter is received by Story County Planning and Development.



6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: *The tower facility will not produce any type of nuisance conditions. The only noise will be that of a commercial air conditioning unit to cool the shelter. The proposed emergency generator will only run if there is a power outage. Environmental due diligence has been performed which includes a 185 page Phase I Environmental Assessment that has been provided to the County in soft copy for review.*

Staff Comment: The environmental impact of the proposed tower is expected to be minimal. The footprint of the concrete base will be 5,548 square feet. Any trees removed from the site due to the construction of the tower shall be replaced near the base of the tower. Prior to the issuance of a Zoning Permit, Story County Planning and Development will require the submittal of a statement indicating the incorporation of the Iowa Storm Water Management Manual Best Practices and erosion and sediment control practices that meet or exceed the Iowa Statewide Urban Design Specifications (SUDAS). The new location of the tower is approximately 2 feet higher in elevation than the originally proposed location.

- B. **If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:**

1. **not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Applicant Comment: *The proposed facility will be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, the tower site will comply with all FCC, FAA, as well as local and state building codes, rules and regulations regarding construction requirements and technical standards. Compliance with these regulations and standards ensures the public's health and safety will not be adversely impacted. In fact, the entire reason for the installation of the new tower is to enhance the public's health and safety by the ISICS network being utilized by first responders in times of emergency or disaster.*

Staff Comment: The revised site plan for the proposed tower will meet the required setback from the Highway 30 right-of-way. This location diminishes concerns about potential risk to motorists on the frontage road and US Highway 30.

2. **impair an adequate supply (including quality) of light and air to surrounding properties.**

Applicant Comment: *There will be no dangerous materials handled, stored, discharged or discarded; and no noise will be generated, other than the sound generated by a standard commercial air conditioning unit. The facility will not generate any vibrations, smoke or particulate matter, toxic or noxious matter, odorous matter, fire or explosive hazards, glare, heat, liquid or solid waste or radioactive materials.*



Staff Comment: The proposed communication tower will be a lattice type tower and will have little to no impact on the supply of light and air to surrounding properties. The closest dwelling is located approximately 1/3 of a mile to the west of the proposed tower site.

3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.

Applicant Comment: *There will be no traffic, no heat or other noxious dangers produced by the tower equipment.*

Staff Comment: Following the construction of the proposed tower, there will be very little traffic to and from the tower. Any additional traffic to the site will be limited to tower maintenance vehicles.

4. diminish or impair established property values on adjoining or surrounding property.

Applicant Comment: *Telecommunications towers have been found to not affect property values of surrounding properties. A recent article on this issue can be found here:*

<http://www.beneschlaw.com/Files/Publication/8db35df2-9682-4972-9499-80c23822114d/Presentation/PublicationAttachment/0c5087ff-e21f-4ed9-ab8f-834d23a29325/Probate%20and%20Property%20May%202016.pdf>

Staff Comment: The Story County Assessor's Office raised no concerns with this item from the review of the requested Conditional Use Permit application. No negative impacts on property values are anticipated.

5. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.

Applicant Comment: *The Land Use Framework Map (Ames Urban Fringe Plan) indicates that the future use of the area surrounding the tower site is Agricultural/Long-term Industrial Reserve. This would indicate that the presence of the tower will not inhibit future development as shown in the C2C Comprehensive Plan.*

Staff Comment: The Ames Urban Fringe Plan Land Use Framework Map designates this area as Agricultural/Long-term Industrial Reserve. This designation "supports the long term planning objective of accommodating future demand for industrial growth". The proposed tower will not likely impact the surrounding agricultural uses and will not take any land out of row crop production. The tower is not anticipated to inhibit any future industrial growth. The need for towers are typical of a growing and changing area. The East Industrial Annexation to the City of Ames has been completed to the north of the subject property.



C. Burden of Persuasion.

1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.
 2. The burden of presenting evidence to the Planning and Zoning Commission sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.
- D. When indicated in Table 90-1, Table of Conditional Uses, a conditional use shall be subject to the supplemental standards listed below, in addition to the standards for approval set forth in Section 90.04 and development impacts specified in Section 90.05 of this chapter.**
4. **Communication Towers and Facilities.** Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used; however, proposed modifications must be reviewed by the Director and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment. In addition, any proposed modifications to approved and/or existing towers/facilities on towers constructed prior to April 20, 2001, for co-location must submit an application for zoning permit consistent with the requirements of Section 92.09, Required Permits.
- A. Co-Location.** Prior to applying for a conditional use permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities.

Applicant Comment: *There are no collocation opportunities within the Search Ring that will accommodate the amount of planned equipment at the required heights. No existing towers within the Search Ring can be modified and extended by approximately 200 to 300 feet at a reasonable cost to support the planned equipment. The planned four (4) microwave dishes and two (2) antennas have much more weight and wind sail area than a typical wireless antenna array. Please see attached letter from Motorola RF Engineer Greg VanHyfte.*

Staff Comment: The applicant provided a statement that co-location is not possible for the proposed equipment and use as well as information on nearby existing towers. None of the nearby towers meet the height required for the proposed ISICS equipment. Additionally, all proposed ISICS towers statewide will be located on properties owned by the State of Iowa to reduce the cost of the overall project.

- B. Separation from Planned and/or Existing Residential Properties.** All proposed towers/facilities shall be separated from neighboring properties either planned or utilized for residential purposes as established herein. The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line of a neighboring tax parcel used or planned for residential purposes. For the purposes of this section, a property shall be considered to be used for a



residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property shall be considered to be planned for residential purposes if it has the County Development Plan (CDP) designation of Rural Residential Area or a residential designation as defined as an approved fringe area plan; if it is within two miles of a city boundary, and that city has established a residential land use classification for the property; or if a property is zoned Agricultural/Residential (A-R), Residential (R-1), Residential (R-2), or Residential Mobile Home (RMH).

- (1) For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be 300 feet or 150 percent of the height of the tower, whichever is greater.

Applicant Comment: *The proposed 395' lattice tower requires a separation distance of 150 percent of the height of the tower or 593 feet. The nearest property being used for a residential purpose is PID 10-08-300-405 with the address 57507 US HIGHWAY 30, Ames which is located east of the proposed tower site. The western property line of the parcel that has an existing dwelling is approximately 900 feet from the center of the proposed tower. There do not appear to be any planned residential properties in closer proximity.*

Staff Comment: Not applicable. The closest residential property is over 900 feet to the east of the proposed tower site. The Ames Urban Fringe Land Use Framework map designates this area as Agricultural/Long-term Industrial Reserve. There are no residential developments currently planned for this area. Agricultural Land use and uses related permitted in the A-1 Agricultural District will continue until the area transitions to industrial land use as identified in the Ames Urban Fringe Plan (AUFPP).

- (2) For guyed towers/facilities the minimum separation distance shall be 300 feet or 150 percent of the height of the tower, whichever is greater, plus 100 percent of the length of the longest supporting guy wire.

Applicant Comment: *Not applicable. The proposed tower is a self-supporting lattice tower with no guy wires.*

Staff Comment: Not applicable.

- C. Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposal's requirements, as documented by a qualified engineer.

Applicant Comment: *Please refer to the attached letter from Motorola RF Engineer Greg VanHyfte, which states that the proposed height of 395' is the minimum height necessary to meet the network functionality objectives.*



D. Required Setbacks. The center foundation of all towers/facilities are required to be set back from any public right-of-way in accordance with the following:

- (1) For towers of monopole and lattice-type construction, a distance equal to 150 percent the height of the tower or 200 feet, whichever is greater; and for towers of guyed-type construction, a distance equal to 150 percent the height of the tower plus the length of guyed wire or 200 feet, whichever is greater.**

Previous Applicant Comment: *The proposed 395' lattice tower requires a separation distance from the public right-of-way of 150 percent of the height of the tower or 592.5 feet. The distance from the tower center to Sand Hill Trail to the South is approximately 894 feet.*

Staff Comment: All setback requirements will be met by the newly proposed tower location.

- (2) From any adjoining property zoned or planned residential or existing residential use, the distance of 300 feet or 150 percent of the height of the tower/facility for towers of lattice or monopole construction type; and 300 or 150 percent of the height of the tower/facility plus 100 percent of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.**

Applicant Comment: *The proposed 395' lattice tower requires a separation distance of 150 percent of the height of the tower or 592.5 feet. The nearest property being used for a residential purpose is PID 10-08-300-405 with the address 57507 US HIGHWAY 30, Ames which is located east of the proposed tower site. The western property line of the parcel that has an existing dwelling is approximately 900 feet East of the center of the proposed tower. There do not appear to be any planned residential properties in closer proximity.*

Staff Comment: Not applicable. The closest residential property is over 900 feet to the east of the proposed tower site. The Ames Urban Fringe Land Use Framework map designates this area as Agricultural/Long-term Industrial Reserve. There are no residential developments currently planned for the area. The East Industrial Annexation to the north has been approved and the area is now within the corporate limits of the City of Ames.

- (3) From other property lines, a distance equal to at least 50 percent of the height of the tower/facility.**

Previous Applicant Comment: *Fifty percent of the height of the tower is 197.5 feet. Please see attached Survey Plan showing the following measurements to the other property lines. The center of the tower is 219 feet from the property line to the East and 285 feet from the property line to the North. The West property line is well in excess of the requirement.*



Staff Comment: The required side and rear setbacks will be met by the newly proposed tower location.

(4) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory structures within the lease area.

Applicant Comment: *There are no guys. The existing equipment shelter is within the lease area.*

Staff Comment: There will be no guys on this tower. The equipment building will meet the required setbacks in the new location.

E. Fencing and Screening.

(1) Security Fencing. Towers/facilities shall be enclosed by fencing not less than six feet in height and shall be equipped with appropriate anti-climbing devices.

Applicant Comment: *Chain link fencing eight feet high is proposed. The tower will have anti-climbing devices.*

Staff Comment: Per the supplemental standards, the applicant will be constructing an eight-foot (8) tall mesh fence around the tower compound. Anti-climbing devices are also planned.

(2) Screening. The lowest six feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.

Applicant Comment: *The site already benefits from existing screening consisting of many mature trees along the South property line facing the right-of-ways and along the East property line.*

Staff Comment: The IDOT site contains buildings to the west and north of the proposed tower site. There are trees on the east and north side of the property near the proposed tower site, as well as along the north side of the frontage road to the south.

F. Aesthetics. Towers/facilities shall meet the following general requirements.

(1) Color. Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.

Applicant Comment: The tower will be constructed of galvanized steel. It will not be painted. The FAA Determination of No Hazard letter will be



submitted as soon as received. A new filing was necessary due to moving the tower to meet the setback from the ROW.

Staff Comment: The tower design manual submitted by the applicant specifies that it will be finished in galvanized steel.

- (2) Lighting. Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.**

Previous Applicant Comment: *The FAA Determination of No Hazard letter will be submitted upon receipt. Attached is an FAA structure details page that indicates the tower should be fitted with dual red medium intensity lighting for migratory bird safety and aircraft safety.*

Staff Comment: A FAA Determination of No Hazard letter and Lighting specifications shall be submitted to Story County Planning and Development prior to the issuance of a zoning permit and will be required to meet county and FAA requirements.

- (3) Signs. No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of Section 89.02, Signs.**

Applicant Comment: *Only safety or warning signs as required by the FCC will be posted on the fencing and will comply with the FCC mandates and policies.*

Staff Comment: The applicant has not proposed any additional signage.

- G. Compliance with Other Regulations. The proposed tower/facility must comply with all other applicable local, State or Federal regulations.**

Applicant Comment: *The tower will comply with all applicable operating and design standards.*

Staff Comment: In addition to the requested FAA determination of no hazard to air navigation, the applicant submitted a statement from the City of Ames regarding the finding that the municipal airport will have no issues with the proposed tower.

- H. Obstruction of View. The proposed tower/facility will not unreasonably interfere with the view from any publicly owned or managed areas or major view corridors.**



Applicant Comment: *The proposed setbacks from Highway 30 should mitigate interference with views. According to Story County Planning and Zoning, the project lies within the IDOT Highway 30 Corridor Study Area and will be reviewed by IDOT. Since IDOT is aware of the project, the Applicant does not foresee any opposition from IDOT.*

Staff Comment: The proposed tower will be visible from Highway 30, Interstate 35, Lincoln Highway, and other local roads. However, it is not anticipated to be an issue for publicly owned or managed areas or major view corridors. The view when entering or exiting the IDOT site will not likely be obstructed. While the tower will be seen from the Hwy 30 and the frontage road, the visual impact of the tower will be substantially less at the new proposed location.

- I. **Removal of Abandoned Towers/Facilities.** If the use of the communication tower/facility is abandoned, the owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person shall remove the tower/facility, foundational supports, and associated appurtenances within 90 days of receipt of notice from Story County at the owner's expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said 90 days shall be grounds to issue a notice of violation in accordance with the requirements of the Ordinance and undertake enforcement action upon the tower/facility owner and property owner.
 - (1) Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction.

Applicant Comment: *There is extremely low risk of abandonment of a State-owned emergency communications tower on Department of Transportation property that has been operating in the location for fifty years. The State will remove the tower if for some reason the site is abandoned.*

- J. **Submittal Requirements.** In addition to the submittal requirements defined for conditional use permit applications, all applications for towers/facilities must submit the following information (as applicable). All plans shall be drawn at a scale of one inch equals 50 feet.
 - (1) A scaled site plan clearly indicating the location, type and height of the proposed tower/facility, existing land uses, adjacent land uses, zoning, County Development Plan designations of the site and for all properties within 500 feet.
 - (2) Legal description of the parent parcel and leased parcel (if applicable).
 - (3) The separation distance between the proposed tower/facility and nearest planned and/or existing residential property.
 - (4) The separation distance from other existing and approved towers. The applicant shall also identify the type of construction of the existing towers and owner/operators of such facilities.
 - (5) A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials.
 - (6) Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of



the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.

- (7) A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in the Ordinance.
- (8) Identification of all other tower/facility sites owned and/or operated by the applicant within Story County.
- (9) Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site.
- (10) Copy of the signed lease agreement with the property owner.

Staff Comment: The applicant has submitted all applicable information as required by the submittal requirements.

Comments

The following comments are part of the official record of the proposed **ISCIS Tower CUP03-17 and VAR02-17**. If necessary, conditions of approval may be formulated based off these comments.

A Conceptual Review meeting for the proposed Conditional Use Permit request was held on Thursday, March 2, 2017. After conceptual review, the complete application submittal was also forwarded to the members of the Interagency Review Team. Some of the County staff review comments were as follows:

Comments from the Interagency Review Team

The following were relevant comments documented by the Interagency Review Team:

Planning and Development:

1. Can the proposed tower location be moved further to the north so that the proposed tower is setback a distance 100% of the tower height?
2. What is the length of the Ice Bridge in the drawing? It appears to be greater than 8' in length.
3. Please provide a clarification on the agreement for using IDOT property. The written narrative indicates there will not be a lease agreement, however the drawings shows a leased area. We would request a copy of any agreement that is in place between the State Departments.
4. What is the use of the existing tower on the IDOT site? What is the future plan for this tower?
5. Does the IDOT currently have plans to add to their buildings on this site?
6. Are you proposing site improvements or grading within the access/utility easement? It appears some of this area is paved and some is gravel or green space.
7. Provide lighting specifications and a written summary of the proposed lighting for the tower. What will the lighting be during the day and at night?
8. Will a lightning rod or antenna be placed on top of the tower? If so, what will be the overall height of the structure?
9. Will the gates on the security fence be locked at all times?



10. If the conditional use permit is approved by the Board of Adjustment, what is the proposed project timeline for the tower?

Follow-up Questions:

1. Since the existing tower will be removed, is it possible for the equipment building be relocated to allow a setback from the north edge of the frontage road of at least 100% of the height of the proposed tower? Even at a setback of 100% of the tower height, there is still a risk that equipment may be separated from the tower upon impact.
2. If the building cannot be relocated, could the cables planned for the Ice Bridge be run underground from the tower to the existing building allowing the tower to be setback from the north edge frontage road at least 100% of the height of the proposed tower?
3. Please verify the height requirements for the antennas, as there appears to be some discrepancies between A-1 Tower Elevation and A-2 Antenna Schedule on C-201. Could the tower height be reduced to the required height of the top antenna?
4. Is it possible that the elevations of the antennas could be lowered to reduce the overall tower height, and still achieve the communication need objectives of the project?

Environmental Heath:

1. The location of the septic system and the plugged well must be identified on a site plan. When located, the septic laterals shall be cordoned off to keep construction traffic off.

Comments from the General Public

Public notification letters were mailed to surrounding property owners within ¼ mile of the site on March 28, 2017 regarding the Conditional Use Permit application and Variance application.

A representative from the Ames Chamber of Commerce contact Planning and Development Staff with questions about the impact of this tower on the East Industrial Annexation Area. There is no impact anticipated.

A member of the public provided feedback on the proposed tower to location identifying issues such as falling ice and snow at the April 5, 2017 Planning and Zoning Commission Meeting.

Public notification letters were again mailed to surrounding property owners within ¼ mile of the site on April 26, 2017 regarding the Conditional Use Permit application and the withdrawn Variance Application.

Additional Comments

The applicant provided examples of other jurisdictions that waived setback requirements or issued a variance to setback requirements. The applicant provided a court case, which an Attorney with the Story County Attorney's office found to be not applicable or relevant to Story County.

Planning and Development staff reached out to Tony Gustafson, Iowa Department of Transportation, Assistant District 1 Engineer, to inquire if there were any concerns regarding the US Highway 30 Corridor Study Area. Mr. Gustafson indicated he has no concerns with the proposed tower in relationship to the Corridor Study Area. It appears that the reconfiguration of the accesses will be to the east of the proposed tower site.



Points to Consider for Conditional Use Permit Request

1. The applicant has submitted a revised site plan that will meet all setback requirements as indicated in the Story County Land Development Regulations.
2. Communications towers and facilities are permitted as a conditional use in the A-1 Agricultural Zoning District, if a conditional use permit is granted.
3. The Ames Urban Fringe Plan Land Use Framework Map identifies this area as Agricultural/Long-term Industrial Reserve. The proposed tower will not likely impact the surrounding agricultural uses and will not take any land out of row crop production. The tower is not anticipated to inhibit any future industrial growth. Towers are not uncommon for agricultural or industrial areas.
4. Existing buildings and plantings on the IDOT maintenance site will provide a sufficient buffer between adjacent properties and the public right-of-way.
5. Access for the tower will be through the existing IDOT drive off of the Highway 30 frontage road. Little increase in traffic is anticipated and will likely be limited to tower maintenance vehicles approximately once per month.
6. All tower construction equipment and materials as well as tower maintenance vehicles will be parked within the IDOT property and outside of the right-of-way.
7. Signs, lighting, and environmental protection measures will meet Story County Land Development Regulations and FAA requirements.
8. Existing tower and equipment building will be removed once the new tower is in place and the equipment has been moved.

Recommendation to Planning and Zoning Commission

Planning and Development Staff recommends approval of the Conditional Use Permit for the Iowa Statewide Interoperable Communication System (ISICS) Tower based on a site review, the information provided in this staff report, and material provided by the applicant as put forth in case CUP03-17 with the following Conditions:

1. A signed, surveyed site plan drawing including a site plan with erosion control measures to be used during construction, must be submitted to Story County Planning and Development prior to consideration of this application by the Board of Adjustment.
2. The following must be submitted to Story County Planning and Development prior to the issuance of a preliminary development permit:
 - i. FAA Determination of No Hazard Letter
 - ii. Lighting specifications meeting FAA and county requirements
 - iii. A statement, preferably from an engineer, stating that the development will incorporate best management practices as outlined in the Iowa Storm Water Management Manual and will incorporate erosion and sediment control practices that meet or exceed the Iowa Statewide Urban Design and Specifications (SUDAS) guidelines



Alternatives for Planning and Zoning Commission

The Story County Planning and Zoning Commission may consider the following alternatives:

- 1) The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Iowa Statewide Interoperable Communication System (ISICS) Tower as put forth in case CUP03-17, as submitted, and directs staff to place the case on the Board of Adjustment agenda.
- 2) **The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Iowa Statewide Interoperable Communication System (ISICS) Tower as put forth in case CUP03-17 with conditions, and directs staff to place the case on the Board of Adjustment agenda.**
- 3) The Story County Planning and Zoning Commission recommends denial of the Conditional Use Permit for the Iowa Statewide Interoperable Communication System (ISICS) Tower as put forth in case CUP03-17, as submitted, and directs staff to place the case on the Board of Adjustment agenda.
- 4) The Story County Planning and Zoning Commission remands the Conditional Use Permit for the Iowa Statewide Interoperable Communication System (ISICS) Tower as put forth in case CUP03-17, back to the applicant for further review and/or modifications, and directs staff to place this item on the June 7, 2017 Story County Planning and Zoning Commission agenda.